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BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman
MARC SPITZER
Commissioner
WILLIAM MUNDELL
Commissioner
MIKE GLEASON
Commissioner
KRISTIN MAYES
Commissioner

2005 JUN 23 P 4:41

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JUN 23 2005

DOCKETED BY

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IN THE MATTER OF LEVEL 3
COMMUNICATIONS, LLC'S PETITION
FOR ARBITRATION PURSUANT TO
SECTION 252(b) OF THE
COMMUNICATIONS ACT OF 1934, AS
AMENDED BY THE
TELECOMMUNICATIONS ACT OF 1996,
AND THE APPLICABLE STATE LAWS
FOR RATES, TERMS, AND CONDITIONS
OF INTERCONNECTION WITH QWEST
CORPORATION.

DOCKET NO. T-03654A-05-0350
T-01051B-05-0350

**MOTION AND CONSENT OF
LOCAL COUNSEL FOR PRO
HAC VICE ADMISSION OF TED
D. SMITH**

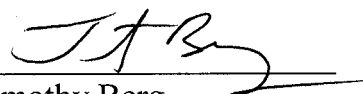
Pursuant to Rule 33(c) and (d) Rules of the Supreme Court, the above-named attorney moves the Arizona Corporation Commission to admit Ted D. Smith as counsel pro hac vice in this action.

The following exhibits are attached hereto pursuant to Rule 33(c) and (d):

1. the original Verified Application; and
2. the Certificate of Good Standing;
3. the State Bar of Arizona Notice of Receipt.

The filing fee as required under Rule 33(d) has been submitted to the State Bar of Arizona. Timothy Berg hereby agrees to serve as designated local counsel for the above-captioned docket. A proposed order admitting Ted D. Smith accompanies this Motion.

1 RESPECTFULLY SUBMITTED this 23rd day of June, 2005.

2
3 By 
4 Timothy Berg
5 Theresa Dwyer
6 FENNEMORE CRAIG, P.C.
7 3003 N. Central Ave, Suite 2600
8 Phoenix, Arizona 85012
9 (602) 916-5421
10 Attorneys for Qwest Corporation

11 ORIGINAL +15 copies filed this 23rd day of June, 2005:

12 Docket Control
13 Arizona Corporation Commission
14 1200 West Washington
15 Phoenix, AZ

16 COPY delivered this 23rd day of June, 2005:

17 Jane Rodda, ALJ
18 Hearing Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington
21 Phoenix, AZ

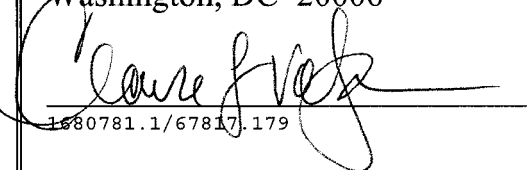
22 Christopher Kempley, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington
26 Phoenix, AZ

27 Ernest Johnson, Director
28 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ

COPY mailed this 23rd day of June, 2005:

Thomas Campbell, Esq.
LEWIS AND ROCA LLP
40 N. Central Ave.
Phoenix, AZ 85004
Attorneys for Level 3 Communications, LLC

1 Richard E. Thayer, Esq.
2 Erik, Cecil, Esq.
3 Level 3 Communications, LLC
4 1025 Eldorado Boulevard
5 Broomfield, CO 80021
6
7 Henry T. Kelly
8 Joseph E. Donovan
9 Scott A. Kassman
10 Kelley, Drye & Warren, LLP
11 333 W. Wacker Drive
12 Chicago, IL 60606
13
14 Christopher W. Savage
15 Cole, Raywid & Braverman, LLP
16 1919 Pennsylvania Ave., NW
17 Washington, DC 20006

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1
2 **BEFORE THE ARIZONA CORPORATION COMMISSION**

3 JEFF HATCH-MILLER

4 Chairman

5 MARC SPITZER

6 Commissioner

7 WILLIAM MUNDELL

8 Commissioner

9 MIKE GLEASON

10 Commissioner

11 KRISTIN MAYES

12 Commissioner

13 IN THE MATTER OF LEVEL 3
14 COMMUNICATIONS, LLC'S PETITION
15 FOR ARBITRATION PURSUANT TO
16 SECTION 252(b) OF THE
17 COMMUNICATIONS ACT OF 1934, AS
18 AMENDED BY THE
19 TELECOMMUNICATIONS ACT OF 1996,
20 AND THE APPLICABLE STATE LAWS
21 FOR RATES, TERMS, AND CONDITIONS
22 OF INTERCONNECTION WITH QWEST
23 CORPORATION.

DOCKET NO. T-03654A-05-0350
T-01051B-05-0350

**ORDER RE: PRO HAC VICE
ADMISSION OF TED D. SMITH**

24 Based upon the Motion for Admission Pro Hac Vice of Ted D. Smith and consent
25 to appear as local counsel by Timothy Berg,

26 IT IS HEREBY ORDERED that Ted D. Smith be admitted pro hac vice as counsel
27 for Qwest Corporation in the above-captioned docket.

28 DATED this ____ day of _____, 2005.

By: _____
JANE L. RODDA
ADMINISTRATIVE LAW JUDGE
ARIZONA CORPORATION COMMISSION

1 ORIGINAL +15 copies filed this ____ day of June, 2005:

2 Docket Control
3 Arizona Corporation Commission
4 1200 West Washington
5 Phoenix, AZ

6 COPY delivered this ____ day of June, 2005:

7 Christopher Kempley, Chief Counsel
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
10 1200 West Washington
11 Phoenix, AZ

12 Ernest Johnson, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington
16 Phoenix, AZ

17 COPY mailed this ____ day of June, 2005:

18 Timothy Berg
19 FENNEMORE CRAIG
20 3003 N. Central Avenue, Ste. 2600
21 Phoenix, AZ 85012

22 Norman G. Curtright
23 QWEST CORPORATION
24 4041 N. Central Ave., 11th Floor
25 Phoenix, AZ 85012

26 Thomas Campbell, Esq.
27 LEWIS AND ROCA LLP
28 40 N. Central Ave.
Phoenix, AZ 85004
Attorneys for Level 3 Communications, LLC

Richard E. Thayer, Esq.
Erik, Cecil, Esq.
Level 3 Communications, LLC
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Broomfield, CO 80021

Henry T. Kelly
Joseph E. Donovan
Scott A. Kassman
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333 W. Wacker Drive
Chicago, IL 60606

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Christopher W. Savage
Cole, Raywid & Braverman, LLP
1919 Pennsylvania Ave., NW
Washington, DC 20006

1680805.1/67817.179



For Official Use Only
App# 1001880
Pro Hac ID # P156140

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: Ted D. Smith
Residence Address: 7921 Majestic Ridge, Salt Lake City, UT 84121
Office Address: Stoel Rives LLP 201 South Main, Suite 1100, Salt Lake City, UT 84111
Telephone: 801-328-3131 Fax: 801-578-6999

Title of cause or case where applicant seeks to appear: In the Matter of Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Applicable State Laws for Rates, Terms and Conditions of Interconnection with Qwest Corporation.
Docket Number: T-01051B-05-0350; T-03654A-05-0350
Court, Board, or Administrative Agency: Arizona Corporation Commission
Party on whose behalf applicant seeks to appear: Qwest Corporation

Courts to Which Applicant Has Been Admitted:	Date of Admission:	Bar Number:
<u>Utah State Bar</u>	<u>1975</u>	<u>3017</u>
<u>U.S. District Court of Utah</u>	<u>2001</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Applicant is a member in good standing in such courts. Yes

Applicant is not currently disbarred or suspended in any court. Yes

Applicant ☐ is / ☒ is not (**select one**) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where Discipline Matter Pending:	Nature of Matter Under Investigation:	Name / Address of Disciplinary Authority:
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Applicant ☐ has / ☒ has not (**select one**) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
<u>In the Matter of the Petition of Autotel for</u>	<u>T-01051B-</u>	<u>Arizona Corporation</u>	<u>Y</u>
<u>Arbitration of an Interconnection</u>	<u>04-0152</u>	<u>Commission</u>	
<u>Agreement with Qwest Pursuant to</u>			
<u>Section 252(b) of the</u>			
<u>Telecommunications Act</u>			

Name of local counsel: Timothy Berg
State Bar of Arizona Number: 004170
Address: Fennemore Craig PC, 3003 N Central Ave, Suite 2600, Phoenix AZ 85012-2913

Telephone : 602-916-5000 Fax: 602-916-5999

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>Level 3</u>	<u>Richard E. Thayer</u>	<u>Level 3 Communications, LLC</u>
<u>Communications</u>		<u>1025 Eldorado Boulevard</u>
		<u>Broomfield, CO 80021</u>
	<u>Erik Cecil</u>	<u>Level 3 Communications, LLC</u>
		<u>1025 Eldorado Boulevard</u>
		<u>Broomfield, CO 80021</u>
	<u>Henry T. Kelly</u>	<u>Kelley Drye & Warren LLP</u>
	<u>Joseph E. Donovan</u>	<u>333 West Wacker Drive</u>
	<u>Scott A. Kassman</u>	<u>Chicago, IL 60606</u>
	<u>Christopher W. Savage</u>	<u>Cole, Raywid & Braverman, LLP</u>
		<u>1919 Pennsylvania Ave., NW</u>
		<u>Washington, DC 20006</u>
	<u>Thomas H. Campbell</u>	<u>LEWIS AND ROCA LLP</u>
	<u>Michael T. Hallam</u>	<u>40 N. Central Avenue</u>
		<u>Phoenix, Arizona 85004</u>
<u>Qwest Corporation</u>	<u>Norm Curtwright</u>	<u>Qwest Services Corporation</u>
		<u>Suite 1100</u>
		<u>4041 N. Central Avenue</u>
		<u>Phoenix, AZ 85012</u>
	<u>Ted Smith</u>	<u>Stoel Rives LLP</u>
		<u>201 S. Main St.</u>
		<u>Suite 1100</u>
		<u>Salt Lake City, UT 84111</u>

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$391.00.

This case or cause ☐ is / ☒ is not (**select one**) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

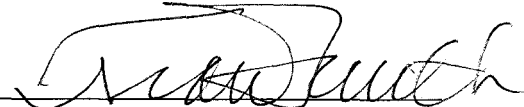
Verification

STATE OF UTAH
County of Salt Lake ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 6-14-05

Applicant's signature

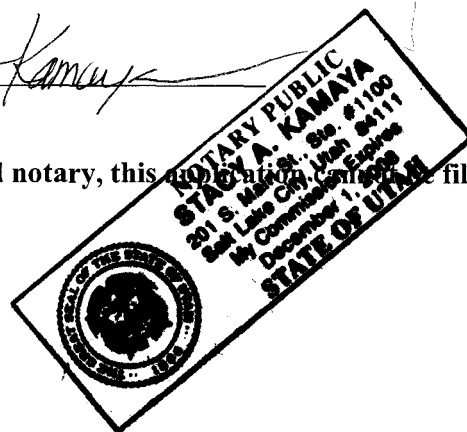


SUBSCRIBED AND SWORN TO before me this 14th day of June, 2005 by

Ted D. Smith

Name of Applicant

Notary Public



NOTE – As the application requires original signatures of the applicant and notary, this application must be filed electronically. Please submit all documents and fees by mail to:

State Bar of Arizona
Pro Hac Vice
111 West Monroe, Suite 1800
Phoenix, AZ 85003

For further information, please contact our Resource Center at 602-340-7239.

1 **Arizona Corporation Commission**

2
3 Level 3 Communications,
Plaintiff,

4 v.

5 Qwest Corporation,
6 Defendant.

)
) CASE # T-01051B-05-0350

) T-03654A-05-0350

) SBA App # 1001880
)

7 **NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

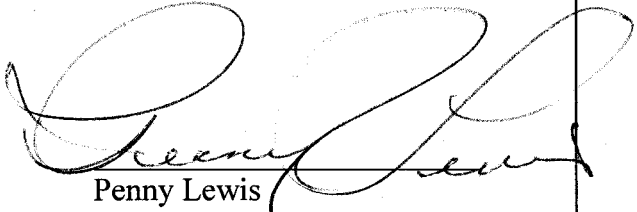
8 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has
9 received the verified application and fee from Ted D. Smith

10 In addition to this application, applicant has made the following applications to appear
pro hac vice, pursuant to Rule 33 (d), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

15 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of
16 Good Standing are attached hereto.

17 DATED this 20th day of June 2005

18 
Penny Lewis
19 Resource Center
State Bar of Arizona

20 Original Mailed on this 20th day of June 2005 to:

21
22 Mr. Timothy Berg
3003 N Central Ave Suite 2600
23 Phoenix, AZ 85012
24
25



John C. Baldwin
Executive Director

Utah State Bar

645 South 200 East, Suite 310 • Salt Lake City, Utah 84111-3834
Telephone: 801-531-9077 • Fax: 801-531-0660

June 14, 2005

To Whom It May Concern:

This is to certify that **Ted D. Smith**, Utah State Bar No. **03017**, was admitted to practice law in Utah on **September 29, 1975** and is an active member of the Utah State Bar in good standing. "Good standing" is defined as a lawyer who is current in the payment of all Bar licensing fees, has met mandatory continuing legal education requirements, if applicable, and is not disbarred, presently on probation, suspended, or has not resigned with discipline pending, from the practice of law in this state.

No public disciplinary action involving professional misconduct has been taken against the license of **Ted D. Smith** to practice law.

Katherine A. Fox
General Counsel
Utah State Bar

Board of Commissioners

N. George Daines
President
David R. Bird
President-Elect
Nathan Alder
David R. Bird
Augustus G. Chin
Yvette D. Diaz
Mary Kay Griffin, CPA
Robert L. Jeffs
Felshaw King
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D'Arcy Dixon Pignanelli
Scott R. Sabey
V. Lowry Snow
E. Russell Vetter

